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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,480	11/13/2003	William L. Ball	GP-303855 (2760/120)	8336
7590 09/03/2008 General Motors Corporation Legal Staff, Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000				
EXAMINER				
PASS, NATALIE				
ART UNIT		PAPER NUMBER		
3626				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,480

Applicant(s)

BALL, WILLIAM L.

Examiner

Natalie A. Pass

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 13 November 2003. Claims 1-18 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 6, 10, 11, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Birch, S., Car with eyes and ears takes a look into the future. [Final 1 Edition] The Times. London (UK): Dec 8, 2001. pg. 44. URL:
<<http://proquest.umi.com/pqdweb?did=93994591&sid=12&Fmt=3&clientId=19649&RQT=309&VName=PQD>>, hereinafter known as Birch.

(A) As per claim 11, 16, Birch teaches a method for providing medical information of a vehicle user, the method comprising:

receiving vehicle user medical information in a key device (Birch; Abstract, page 2, lines 2-7); Examiner interprets Birch's teachings of a "box of electronic tricks about the size of a spectacle case that you can pop in your pocket" to be a form of a "key device;"

"send information about the driver's health to the on-board telematic system" (reads on "transmitting the medical information from the key device to a storage unit within a vehicle") (Birch; Abstract, page 2, lines 2-7); and

"transmitted to the emergency services in the event of an accident" (reads on "transmitting the stored medical information from a telematics unit to a call center responsive to an emergency event" (Birch; Abstract, page 2, lines 2-7); and

wherein the medical information comprises "information about the driver's health [sent] to the on-board telematic system to be transmitted to the emergency services in the event of an accident" (reads on "the vehicle user's medical records") (Birch; Abstract, page 2, lines 2-7).

(B) Claim 1 differs from method claim 11, in that it is a system rather than a method for providing medical information of a vehicle user.

System claims 1, 3, 4, 6, repeat the subject matter of claims 11, 11, 16, and 11, respectively, as a set of elements rather than a series of steps. As the underlying processes of claims 11 and 16 have been shown to be fully disclosed by the teachings of Birch in the above rejection of claims 11 and 16, it is readily apparent that the system disclosed by Birch includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 11 and 16, and incorporated herein.

(C) As per claim 10, Birch teaches a system as analyzed and discussed in claims 1 and 3 above comprising

“a security system that is activated when it recognises a fingerprint ... [...] ... communicates with the car, unlocks doors, sets seat and control positions to personal preferences” (reads on “a biometric sensor located on the key fob and operably connected to the controller, the biometric sensor for sensing biometric data of at least one vehicle user”) (Birch; Abstract, page 2, lines 2-7).

(D) System claims 17 and 18 repeat the subject matter of claims 1 and 10, respectively, as a set of “means-plus-function” elements rather than a series of system elements. As the underlying elements of claim 1 have been shown to be fully disclosed by the teachings of Birch in the above rejections of claims 1 and 10, it is readily apparent that the system disclosed by Birch includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1 and 10, and incorporated herein.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5, 8-9, 12-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Birch, S., Car with eyes and ears takes a look into the future. [Final 1 Edition] The Times. London (UK): Dec 8, 2001. pg. 44. URL: <<http://proquest.umi.com/pqdweb?did=93994591&sid=12&Fmt=3&clientId=19649&RQT=309&VName=PQD>>, hereinafter known as Birch, as applied to claim 11 above, and further in view of Hanson, U.S. Patent Application Publication Number 2005/0153681.

(A) As per claim 12, Birch teaches a method as analyzed and discussed in claim 11 above.

Birch fails to explicitly disclose a method

wherein the vehicle user medical information is received from a medical provider unit.

However, the above features are well-known in the art, as evidenced by Hanson.

In particular, Hanson teaches a method

wherein the vehicle user medical information is received from a medical provider unit

(Hanson; paragraphs [0009], [0030], [0032], [0034], [0043]-[0045]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Birch to include these limitations, as taught by Hanson, with the motivations of providing “emergency services for people who use mobile data devices” and where “the mobile data devices provide enhanced user information to emergency assistance providers ... [...] ... includ[ing] user name, location, vital signs, relevant medical history ... [...] ... Emergency service requesters using the device are diagnosed more quickly and the 911-

dispatch center is able to provide more appropriate responses to medical emergencies...”

(Hanson; paragraphs [0008]-[0009]).

(B) As per claims 13-15, Birch and Hanson teach a method as analyzed and discussed in claims 11 and 12 above

wherein the medical information is received in the key device via a local short range wireless network (Hanson; Figure 6, paragraphs [0001], [0029]);

wherein the medical information comprises a code that allows authorized access to information (reads on “an encryption code”) (Hanson; paragraphs [0035], [0094]-[0097]);

further comprising: transmitting the encryption code from the call center to a medical service provider (Hanson; paragraphs [0009], [0035]-[0038]); and

using the received encryption code to access the vehicle user's medical records located on a database (Hanson; paragraphs [0009], [0035]-[0038]).

The motivations for combining the respective teachings of Birch and Hanson are as given in the rejection of claim 11 above, and incorporated herein.

(C) System claims 2, 5, repeat the subject matter of claims 13, 14, respectively, as a set of elements rather than a series of steps. As the underlying processes of claims 13, 14 have been shown to be fully disclosed by the collective teachings of Birch and Hanson in the above rejections of 13, 14, it is readily apparent that the system disclosed collectively by Birch and Hanson includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 13, 14, and incorporated herein.

(D) As per claims 8-9, Birch and Hanson teach a system as analyzed and discussed in claim 1 above

wherein the call center is in communication with at least one medical information database (Hanson; paragraphs [0009], [0035]-[0038], [0063]); and

wherein the key device comprises a key including an embedded microchip having a persistent memory storage for storing the vehicle user's medical information (Hanson; Abstract, paragraphs [0009], [0030]).

The motivations for combining the respective teachings of Birch and Hanson are as given in the rejection of claim 11 above, and incorporated herein.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birch, S., Car with eyes and ears takes a look into the future. [Final 1 Edition] The Times. London (UK): Dec 8, 2001. pg. 44. URL:

<<http://proquest.umi.com/pqdweb?did=93994591&sid=12&Fmt=3&clientId=19649&RQT=309&VName=PQD>>, hereinafter known as Birch, as applied to claim 1 above, and further in view of Burge, U.S. Patent Application Publication Number 2002/0103622.

(A) As per claim 7, Birch teaches a method as analyzed and discussed in claim 1 above.

Birch fails to explicitly disclose a method further comprising

a plurality of sensors for detecting damage to the vehicle during an emergency event, the plurality of sensors operably connected to the telematics unit and wherein upon the occurrence of

an emergency event at least one of the plurality of sensors sends a signal to the telematics unit indicating that an emergency event has occurred.

However, the above features are well-known in the art, as evidenced by Burge.

In particular, Burge teaches a method further comprising

a plurality of sensors for detecting damage to the vehicle during an emergency event, the plurality of sensors operably connected to the telematics unit and wherein upon the occurrence of an emergency event at least one of the plurality of sensors sends a signal to the telematics unit indicating that an emergency event has occurred (Burge; paragraph [0099]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Birch to include these limitations, as taught by Burge, with the motivations of providing a decision-aid system that provides information based on the analysis of vehicle crash sensor data to providers of emergency medical care (Burge; paragraph [0001]).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Phipps, U.S. Patent Application 6579231, Rigo, et al., U.S. Patent Application 2002/0049535, Budnovitch, U.S. Patent Number 6642855, and Eida, et al., U.S. Patent Application Publication Number 2002/0063637, teach the environment of transmitting medical information from mobile devices.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: **(571) 273-8300.**

For informal or draft communications, please label
"PROPOSED" or "DRAFT" on the front page of the
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/N. A. P./

Examiner, Art Unit 3626

September 1, 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3626